

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**



3. By Order dated February 22, 2006, the Court bifurcated the liability and damages portion of the case. Trial on the liability portion of the case is scheduled to begin on March 27, 2006.

4. On January 6, 2006, this Court issued a Pretrial Order requiring Motions in Limine to be filed by February 27, 2006 with responses due on March 6, 2006.

5. Accordingly, the NIFL filed its Motions in Limine on February 27, 2006 and filed its supporting Brief to its Motions in Limine and Reply to the Defendants' Motion in Limine on March 6, 2006.

6. The NIFL's Motions in Limine involve the issue of damages. Specifically, the NIFL asserts the following:

a. Ohio law and Pennsylvania law dictate that the NIFL is entitled to pursue the full amount of damages for all unpaid workers' compensation claims and unpaid medical bills without regard to reimbursement rates imposed by workers' compensation, to deductibles, to co-pays or to reductions of any kind because NIFL's claims represent a civil action at law for failure to provide workers' compensation claims.

b. Federal Rules of Evidence 803(6) and 902(11) permit self-authentication of the player's medical records and invoices without the need of producing a foundation witness by using a written declaration/certification by each provider that satisfies the requirements of 803(6) and 902(11). These rules were adopted to avoid burdensome and expensive witness production and to promote judicial economy precisely for a case like the NIFL's case which involves damages comprised of

hundreds of unpaid medical bills from medical providers located all over the country.

7. The Court's resolution of the NIFL's Motions in Limine has a significant impact on the preparation and expense the NIFL faces for the damages portion of the trial. As a result, the NIFL requests oral argument on its Motions in Limine as soon as possible so the Court can adequately consider the important issues at stake and to allow the NIFL to prepare for the damages portion of the trial in whichever manner as may be required according to the Court's ultimate decision upon NIFL's Motions in Limine.

8. The Motions in Limine filed by the NIFL involve legal issues that have a great impact on the resolution of this case, and oral argument would be of assistance both to the Court and to the parties by ensuring that the parties' positions are clearly understood and by allowing the parties to respond to questions by the Court.

9. Because the issues for the Court to consider require thorough and careful examination, the NIFL requests the opportunity to be heard on such issues.

**WHEREFORE,** the Plaintiff respectfully requests this Honorable Court schedule oral argument as soon as administratively possible on the Plaintiff's Motions in Limine in this proceeding..

Respectfully submitted,

LEVENTRY, HASCHAK,  
& RODKEY, LLC

By /s/Timothy C. Leventry  
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**IN THE UNITED STATES DISTRICT COURT  
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<b>NATIONAL INDOOR FOOTBALL LEAGUE L.L.C.,</b>	:	
<b>Plaintiff</b>	:	<b>CIVIL DIVISION</b>
	:	<b>NO. CA 2 - 548</b>
<b>v.</b>	:	<b>TYPE OF PLEADING:</b>
	:	<b>Motion for Oral Argument on Motion</b>
<b>R.P.C. EMPLOYER SERVICES, INC.,</b>	:	<b>in Limine</b>
<b>and DAN J. D'ALIO,</b>	:	
<b>Defendants.</b>	:	

**CERTIFICATE OF SERVICE**

I, Timothy C. Leventry, Esq., do hereby certify that a true and correct copy of the foregoing Motion for Oral Argument was served on the parties listed below by **Regular Mail and/or Facsimile:**

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**LEVENTRY, HASCHAK &  
RODKEY, LLC**

Dated: 3-09-06

By: /S/Timothy C. Leventry  
Timothy C. Leventry, Esquire

